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Intellectual Property Rights

Why should we care about protecting intellectual property rights? "Intellectual property rights" (IPR) are the legal mechanisms – copyrights, patents and trademarks – that ensure that the products we buy are genuine, and that someone else doesn't take credit for our ideas. Protecting intellectual property (IP) is critical to protecting public health and safety. Dangerous and defective counterfeit products, from counterfeit medication, to toothpaste, to auto parts, put the lives of consumers at risk. Strong IPR protections also foster an environment in which creative and innovative industries can thrive and contribute to economic development and improved quality of life in countries across the globe. Today, the annual celebration of World IP Day plays a significant role in raising international awareness about intellectual property in developed and developing countries alike.

At the dawn of the 21st century, the majority of global economic output is generated by services, many of which depend on new and evolving technologies. Inventors, creators, and other risk-takers play a critical role in this economic progress, and the protection of IPR is necessary in order to ensure that the advances that result from their efforts are rewarded and valued. Progress in nanotechnology, information technology, and clean energy fosters economic development and improves standards of living worldwide. Intellectual property rights don't just protect inventors or large corporations; they protect local entrepreneurs, as well as everyone whose safety depends on product reliability in every country in the world, including India.

It is not hard to find examples of IP's positive economic impact. Gahaya Links – a Rwandan company that produces colorful baskets using traditional designs with a unique modern aesthetic – has developed a greater awareness of IP, which is helping them figure out how to expand and grow their company both domestically and internationally. Rwanda is in the process of implementing its national IPR strategy, and new industrial design protections will help prevent Gahaya's designs from being copied or reproduced illegitimately. These IPR protection mechanisms will help ensure that the baskets with the Gahaya name are genuine, and will guarantee that the domestic designers are paid for their ideas and design efforts.

Creative and innovative activities involve people the world over, with no particular country, economy, or continent being the sole

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locus for new ideas. New inventions and scientific advances occur all the time, in ways big and small. An Indian inventor at a U.S. research institution created a device that uses the sun's ultraviolet rays to disinfect water. Because he had patent protection, and could bring his invention to the market in many different countries, the device is now sold in rural Mexico, where it provides people safe drinking water at the very low cost of \$1.50 per person per year. The human potential to create and innovate is a boundless worldwide resource, but without a strong intellectual property system, businesses are not willing to invest the huge sums necessary develop new medicines and other new products. Clear rules and strong enforcement of IPR allows countries around the world to sustain economic development and build the recognizable and respected brands that are hallmarks of developed economies.

This is why every day should be a celebration of creativity and innovation, as well as the intellectual property protections that help to promote them. The World Intellectual Property Organization's (WIPO) message sums this up well: "World IP Day allows us to pay tribute to the inventors and artists, famous and less well known, who enrich our existence with their innovative thoughts and creative vision."

The articles included in this section attempt to throw light on various aspects of intellectual property, the associated regulations, and the issues before U.S. Congress in promoting international IPR support.

For additional information, a webliography is presented here for your use. The inclusion of Internet sites other than those of the U.S. government should not be construed as an endorsement of the views contained therein. The websites are current as of their publication date and are subject to change at any time.

American Bar Association - Intellectual Property Law (ABA-IPL)
<http://www.abanet.org/intelprop/home.html>

American Intellectual Property Law Association
<http://www.aipla.org>

American Library Association (ALA)
<http://www.ala.org>

American Society of Composers, Authors and Publishers
<http://www.ascap.com/index.html>

Association of American Publishers (AAP)
<http://www.publishers.org/>

Association of Research Libraries - Copyright & Intellectual Property Policies
<http://www.arl.org/pp/ppcopyright>

Basic U.S. Patent, Trademark & Copyright Information
<http://www.fplc.edu/tfield/ipbasics.htm>

Berne Convention for the Protection of Literary and Artistic Works
http://www.wipo.int/treaties/en/ip/berne/trtdocs_wo001.html

Business Software Alliance (BSA)
<http://www.bsa.org>

Coalition for Intellectual Property Rights (CIPR)
<http://www.cipr.org>

Coalition for Networked Information (CNI)
<http://www.cni.org>

Computer Crime and Intellectual Property Section (CCIPS)
<http://www.cybercrime.gov>

Copyright Alliance
<http://www.copyrightalliance.org>

Copyright Bay
<http://www.stfrancis.edu/cid/copyrightbay>

Copyright Clearance Center
<http://www.copyright.com>

Copyright Law in Cyberspace
<http://www.utsystem.edu/OGC/IntellectualProperty/distance.htm>

Copyright Law of the United States
<http://www.copyright.gov/title17/circ92.pdf>

Copyright Royalty Board
<http://www.loc.gov/crb/>

Copyright Society of the USA (CSUSA)
<http://www.csusa.org>

Entertainment Software Association (ESA)
<http://www.theesa.com>

European Patent Office
<http://www.epo.org>

Federal Bureau of Investigation - Cyber Investigations
<http://www.fbi.gov/ipr>

Focus on Intellectual Property Rights
<http://usinfo.state.gov/products/pubs/intelprp>

Free Trade Area of the Americas (FTAA)
http://www.ftaa-alca.org/ngroups/ngprop_e.asp

IEEE-USA - Intellectual Property Committee
<http://www.ieeeusa.org/committees/ipc>

Independent Film & Television Alliance (IFTA)
<http://www.ifta-online.org>

Intellectual Property Resources in the United Nations (U.N.) System
<http://www.un.org/issues/m-intprp.html>

Intellectual Property: The Practical and Legal Fundamentals
<http://www.fplc.edu/tfield/plfip.htm#about>

International Intellectual Property Alliance (IIPA)
<http://www.iipa.com>

International Intellectual Property Rights Training Database
<http://www.training.ipr.gov>

International Trademark Association (INTA)
<http://www.inta.org>

International Union for the Protection of New Varieties of Plants (UPOV)
<http://www.upov.org>

Internet Crime Complaint Center (IC3)
<http://www.ic3.gov>

Library of Congress
<http://www.loc.gov>

Motion Picture Association of America
<http://www.mpaa.org>

Motion Picture Licensing Corporation (MPLC)
<http://www.mplc.com>

Music Publishers' Association of the United States
<http://www.mpa.org>

National Music Publishers' Association (NMPA)
<http://www.nmpa.org>

National Writers Union (NWU)
<http://www.nwu.org>

Office of the United States Trade Representative
<http://www.ustr.gov>

The Progress & Freedom Foundation -Intellectual Property
<http://www.pff.org/issues-pubs/intellectualproperty.html>

Protecting Intellectual Property Rights
http://usinfo.state.gov/ei/economic_issues/intellectual_property.html

Recording Industry Association of America (RIAA)
<http://www.riaa.com>

Reproduction of Copyrighted Works by Educators and Librarians
<http://www.copyright.gov/circs/circ21.pdf>

Respect Copyrights
<http://www.respectcopyrights.org/content.html>

Special Libraries Association (SLA)
<http://www.sla.org>

Strategy Targeting Organized Piracy (STOP!)
<http://www.stopfakes.gov>

Supreme Court of the United States
<http://www.supremecourtus.gov>

U.S. Customs and Border Protection (CBP) - Intellectual Property Rights e-Recordation (IPRR)
<https://apps.cbp.gov/e-recordations/>

U.S. Department of Commerce - International Trade Administration
<http://trade.gov/index.asp>

U.S. Department of State - Office of Intellectual Property Enforcement (IPE)
<http://www.state.gov/e/eeb/tpp/c10334.htm>

U.S. Embassy, New Delhi - Intellectual Property Rights (IPR) in India
<http://newdelhi.usembassy.gov/ipr.html>

United Nations Commission on International Trade Law (UNCITRAL)
<http://www.uncitral.org>

United States Copyright Office
<http://www.copyright.gov>

United States Patent and Trademark Office (USPTO)
<http://www.uspto.gov>

World Intellectual Property Organization (WIPO)
<http://www.wipo.int/portal/index.html.en>

1. BEWARE THE COPYRIGHT COPS

By Joe Hernick. *InformationWeek*, Jan 28, 2008, pp. 53-56.

"Better safe than sued" is the bottom line of this article that addresses some of the pertinent issues and concerns posed as a result of the increasing popularity of digital media. Intellectual property (IP) theft is being facilitated by technology and is on the political agenda in the United States. Question like who is accountable if file sharing occurs within a private company, is still open to debate. According to the Recording Industry Association of America (RIAA) and the Motion Picture Association of America, their member companies, and the artists they represent, as well as U.S. and some international law, the company is liable for any file sharing of copyrighted material on its network. But beyond legal issues, it is in the best interest of the companies to control unauthorized file sharing.

2. DEFENDING INTELLECTUAL PROPERTY RIGHTS IN THE BRIC ECONOMIES

By Robert C. Bird. *American Business Law Journal*, v. 43, iss. 2, Summer 2006, pp. 317-363.

Protection of intellectual property rights in Brazil, Russia, India, and China (BRIC), where intellectual property infringement is quite common, is an important policy focus of the U.S. government. These emerging economies lack proper intellectual property protection and enforcement mechanism, posing a threat to the international competitiveness. U.S. firms, on the other hand, find it difficult to overlook the market opportunities in these rapidly growing economies. How can the U.S. companies strike a balance between the two – doing business in the BRIC countries and at the same time ensuring their intellectual property rights? This article attempts to find possible solutions to this dilemma.

3. AN EXPLORATION OF THE IDEOLOGIES OF SOFTWARE INTELLECTUAL PROPERTY: THE IMPACT ON ETHICAL DECISION MAKING

By Matthew K. McGowan, Paul Stephens and Dexter Gruber. *Journal of Business Ethics*, v. 73, no. 4, July 2007, pp. 409-424.

While the views and opinions regarding software ownership vary widely, this article focuses on the ideological, legal, and

ethical attitudes about software as intellectual property (IP). Today, software development and its sale are considered a highly profitable business. On the other hand, there is rapid growth of open source movement like the Linux operating system. Clearly, there is a wide variation in perspective towards software as an IP. Even the information systems (IS) professionals are divided on this front. This article presents four distinct subgroups of IS professionals and discusses their ideologies and ethics apart from their attitudes regarding software laws.

4. FIGHTING THE IP WARS

By John Teresko. Industry Week, v. 257, no. 2, February 2008, pp. 38-41.

Intellectual property (IP) theft is an important concern around the globe and it affects everyone – from manufacturers, distributors, government, consumers to even the U.S. workforce. Beyond national boundaries of the United States, foreign governments play an important role in fighting IP theft. A thirty-nation study by the OECD (Organization for Economic Cooperation and Development) suggests that there is a wide variance in concerns of different countries in fighting the problems of counterfeiting and IP theft. While U.S., UK, Germany and France are among the top performing countries in providing protection to intellectual properties, China, Russia, India, Brazil Indonesia, Vietnam, Taiwan, Pakistan, Turkey and Ukraine are at the other end of the spectrum. OECD study may seem to suggest that IP theft and counterfeiting is a well recognized problem, but at the same time many firms are also coming to terms with it. Counterfeiting risks are often more than just tangible business losses. If the problem is not tackled in time, the damage from IP theft and counterfeit could affect an entire industry down to the customer base. The key to this grim problem calls for an active program to determine the nature of the risks and developing an anti-counterfeiting strategy.

5. GENE PATENTS: A BRIEF OVERVIEW OF INTELLECTUAL PROPERTY ISSUES

By Wendy H. Schacht. CRS Report for Congress, January 7, 2008, 6 p.

The Patent Act of 1952, codified in Title 35 of the United States Code, defines current patent law. According to section 101, one who "invents or discovers any new and useful process, machine, manufacture, or any composition of matter, or any new and useful improvement thereof, may obtain a patent therefore, subject to the conditions and requirements of this title." The courts have upheld

gene patents that meet the criteria of patentability defined by the Patent Act. However, the practice of awarding patents on genes has come under scrutiny by some scientists, legal scholars, politicians, and other experts. This article explores the various ethical, legal, and economic issues associated with gene patenting.

6. GENES AND SPLEENS: PROPERTY, CONTRACT, OR PRIVACY RIGHTS IN THE HUMAN BODY?

By Radhika Rao. The Journal of Law, Medicine & Ethics, v. 35, no. 3, Fall 2007, pp. 371-382.

This article reviews the legal status of the human body, which appears to be more relevant in the context of current biomedical research. Contemporary regulation allows commodification and commercialization of the human body by all but the person providing the raw materials like eggs for human embryonic stem cell research. This contrast could be understood if we consider the body parts as raw material for genomic research, and human genes and cell lines as the harvested man-made technology that qualifies for protection as an intellectual property. But even the tangible body parts could receive property protection while they are in the possession of a scientist. Property law appears to be systematically biased at this juncture. At the same time contract and privacy rights cannot compete with the powerful property rights, since these property rights are enforceable internationally. The strong property right favoring researchers and research institutions leaves those who supply body parts vulnerable to exploitation.

7. INTELLECTUAL PROPERTY

GAO Reports, March 2008, 83 p.

Federal law enforcement to stop manufacture and distribution of counterfeit and pirated goods is important in enforcing intellectual property (IP) rights and protecting Americans from unsafe or substandard products. This report of the United States Government Accountability Office (GAO) examines the key federal agencies' role in federal IP enforcement. It also evaluates their IP-related enforcement statistics and achievements. It also examines the status of the National Intellectual Property Rights Coordination Center. GAO reviewed relevant documents, interviewed officials in five key agencies, and analyzed agency IP enforcement data from fiscal years 2001 through 2006. Five key agencies have been identified to be associated with enforcing IP laws, mainly through seizures, investigations, and prosecutions. However, enforcing IP laws is not

their top priority and determining the resources they have devoted to this function is challenging. Federal IP enforcement activity has also been found to have increased during the fiscal years 2001-2006, but the agencies have not done much to assess their achievements. The National Intellectual Property Rights Coordination Center, an interagency mechanism created to coordinate federal investigative efforts, has also not achieved its mission. GAO recommends that the Attorney General and the Secretaries of Homeland Security (DHS) and Health and Human Services (HHS) take steps to better assess and report on their agencies' IP enforcement efforts.

8. INTELLECTUAL PROPERTY RIGHTS AND INTERNATIONAL TRADE

By Shayerah Ilias and Ian F. Fergusson. CRS Report for Congress, December 20, 2007, 48 p.

This Congressional report discusses the role of international trade policy in enhancing IPR protection and enforcement abroad. Counterfeiting and piracy in other countries may result in the loss of billions of dollars of revenue for U.S. firms as well as the loss of jobs. Responsibility for developing IPR policy, engaging in IPR-related international negotiations, and enforcing IPR laws cuts across several different U.S. Government agencies. The main structures for coordinating interagency efforts are the National Intellectual Property Law Enforcement Coordinating Council (NIPLECC) and the Strategy Targeting Organized Piracy (STOP!). Since the 1995 Agreement on Trade-Related Aspects of Intellectual Property Rights (TRIPS) at the World Trade Organization (WTO), trade policy has been used to enforce IPR abroad. The United States also pursues international IPR support through regional and bilateral free trade agreements (FTAs), which often include IPR commitments by U.S. partners exceeding their TRIPS Agreement obligations. IPR protection and enforcement bring up several key issues for Congress. A central issue is the appropriateness of FTAs as a vehicle for promoting IPR. Legislation was introduced in the 110th Congress that calls for a new structure to coordinate federal IPR enforcement activities and to increase U.S. international IPR enforcement efforts.

9. PATENT REFORM IN THE 110TH CONGRESS: INNOVATION ISSUES

By John R. Thomas and Wendy H. Schacht. CRS Report for Congress, February 21, 2008, 46 p.

During the recent past there has been growing concern about the fairness and effectiveness of the U.S. patent system. Several recent studies, including those by the National Academy of Sciences and

the Federal Trade Commission, have suggested reforms to overcome the deficiencies in the existing operation of patent administration. More notable reform proposals include a shift to the first-inventor-to-file priority system; substantive and procedural modifications to the patent law doctrine of willful infringement; and adoption of post-grant review proceedings, prior user rights, and pre-issuance publication of all pending applications. Current legislative reform efforts (H.R. 1908, S. 1145) would address several issues of concern, including the quality of issued patents, the expense and complexity of patent litigation, harmonization of U.S. patent law with the laws of its leading trading partners, potential abuses committed by patent speculators, and the special needs of individual inventors, universities, and small firms with respect to the patent system. Other observers believe that changes of this magnitude do not present the most prudent course for the patent system. Patent reform therefore confronts Congress with difficult legal, practical, and policy issues.

10. PATENT REFORM: ISSUES IN THE BIOMEDICAL AND SOFTWARE INDUSTRIES

By Wendy H. Schacht. CRS Report for Congress, December 14, 2007, 13 p.

Several bills have been introduced in the 110th Congress that would make significant alterations in current patent law. This Congressional interest in reforming the contemporary patent system reflects the importance of intellectual property to U.S. innovation. The perception that patent ownership is an incentive to technological advancement leading to the economic growth has resulted in a growing number of patent applications. The horizon of patentable inventions has also expanded. This expansion in the number and range of patents has also raised obvious concerns about the efficiency and effectiveness of the current system. While several recent studies recommend patent reform, other experts are not in favor of major alterations in the existing law. According to these experts, although the current system is not perfect, the patent process is adapting to the technological progress. Inventors and innovative companies differ widely in their opinions regarding the importance of patents. Innovators in biomedical industries find patent protection instrumental in prohibiting the competitors from appropriating their research and development efforts. On the other hand, the new inventions in the field of software development are often cumulative and embody numerous patentable inventions.

11. PATENTING FOR PROFITS

By Vinit Bhatia and Gib Carey. *MIT Sloan Management Review*, v. 48, no. 4, Summer 2007, pp. 15-16.

Corporate strategy for intellectual property management is gradually being changed. Today there is a tendency to stop the race to obtain as many patents as possible and exploiting them in the marketplace. Rather, the leading companies are exploring the way they could make more profit with fewer patents. They are focusing on securing only those essential protections they need to exploit their innovations. Most companies, however, still continue to believe that the earlier strategy of "more is better" is actually a better strategy. But these companies don't have proper analytical support for their strategy, nor are they sure about the effectiveness of their strategy. It thus becomes essential for companies to understand precisely their IP portfolio. The authors identify three characteristics commonly shared by the companies deriving higher-than-average profitability from their patents – a strong market focus, a holistic view, and a stress on organization.

12. REINVENTING PATENT LAW

By Steve Seidenberg. *ABA Journal*, v. 94, February 2008, p. 59.

U.S. patent law, which has traditionally been favorable to patent holders, is currently engaged in a paradigm shift. Patent litigator Donald R. Ware notes that the U.S. Supreme Court, Congress and the Patent Office are gradually becoming less favorable toward patentees. Many patent law experts believe that the Comiskey ruling, which opened enormous new opportunities for astute entrepreneurs, is part of a larger trend where the Federal Circuit, the U.S. Supreme Court, the U.S. Patent and Trademark Office (USPTO) and Congress have scaled back the rights of patent holders and applicants, and have made it easier for existing patents to be attacked. USPTO is approving a lower percentage of the patent applications it receives, dropping its approval rate from 72 percent in fiscal year 2000 to that of 51 percent in the fiscal year 2007. What shape the patent protection in the U.S. will take remains to be seen, but there is a widespread concern that it could further weaken protections for patent holders and applicants.

13. REVIEWING THE PAST YEAR'S TOP 10 TRADEMARK TRENDS AND AN ANALYSIS OF THEIR IMPACT ON 2008

By James H. Johnson Jr. and Deidre A. Francis. *Intellectual Property & Technology Law Journal*, v. 20, no. 2, February 2008. pp. 1-6.

This article takes a brief look at the top ten trademark issues and events, which shaped the American trademark law in 2007, and considers possible continuing trends for the year 2008. It reviews the interpretation of Trademark Dilution Revision Act (TDRA) by the Courts in 2007, the potential of using a mark in a metatag, new rules instituted by the Trademark Trial and Appeal Board (TTAB), the fate of Whois database, and other concerned issues of 2007. Some of the key issues that were left open in 2007 would continue to be issues under scrutiny in 2008.

14. U.S. PATENT AND TRADEMARK OFFICE REFORMS: REGULATORY IMPACTS UPON INNOVATION AND COMPETITION

By John R. Thomas. *CRS Report for Congress*, March 21, 2008, 20 p.

The interest of the 110th Congress in the patent system has been evidenced by the advancement of substantial reform bills in both the House and Senate. Alongside these congressional proposals, the United States Patent and Trademark Office (USPTO) has engaged in a significant rulemaking effort in recent years. This process culminated in new rules that would make several significant changes to the patent acquisition process. The rules would limit the number of "continued applications" that could be filed. It would also limit the number of claims that can be filed in a particular patent application. This has already invited criticism that the new rules would negatively impact the ability of innovators to obtain effective proprietary rights.

15. THE WTO, INTELLECTUAL PROPERTY RIGHTS, AND THE ACCESS TO MEDICINES CONTROVERSY

By Ian F. Fergusson. *CRS Report for Congress*, January 22, 2008, 8 p.

In August 2003, the World Trade Organization (WTO) reached an agreement on the use of compulsory licenses by developing countries without manufacturing capacity to access life-sustaining medicines. The issue of access to affordable medicines is one of great concern to developing countries, whose health-care systems are often overwhelmed by HIV/AIDS and other infectious diseases. Some developing countries have viewed the TRIPS (Trade-Related Aspects of Intellectual Property Rights) agreement as an impediment in their attempts to combat such public health

emergencies. These countries are concerned that the agreement restricts drug availability and transfers scarce resources from developing countries to pharmaceutical industries in the developed countries. Developed country pharmaceutical industries view the TRIPS agreement as essential to encourage innovation in the pharmaceutical sector by assuring international compensation for their intellectual property. Without such protection, industry claims it could not recoup the high costs of developing new medicines. The United States has been forceful in defending the interest of the U.S. pharmaceutical industry in the negotiations.

BUSINESS & ECONOMICS

16. CHINA'S GROWING EXTERNAL DEPENDENCE

By Li Cui. *Finance & Development*, v. 44, no. 3, September 2007, pp. 42-45.
<http://www.imf.org/external/pubs/ft/fundd/2007/09/pdf/cui.pdf>

The Chinese economy is evolving away from being a giant assembly shop that imports components, assembles them and ships out low-tech finished goods, such as textiles and toys. Cui, a senior economist at the International Monetary Fund's Asia and Pacific Department, writes that China's evolution into an exporter of more sophisticated products, such as capital goods and components, has run parallel to the growth of a more complex domestic economy that is able to provide more content for its exports. This means that the Chinese economy is less insulated from external economic shocks than in past years when a decline in exports would be accompanied by a commensurate decline of imports. To keep its economy stable, Cui says China needs to rebalance growth away from potentially volatile exports toward a more sustainable path driven by domestic demand. Furthermore, as China's labor costs rise, lower-income countries in Southeast Asia may take China's place as the international assembly shop.

17. A SOLAR GRAND PLAN

By Ken Zweibel, James Mason and Vasilis Ethenakis. *Scientific American*, v. 298, no. 1, January 2008, pp. 64-73.
<http://www.sciam.com/article.cfm?id=a-solar-grand-plan>

This article describes a bold proposal to construct a nation-wide solar-energy generation and distribution system in the United States by the year 2050. Solar power could eliminate U.S. dependence on

imported oil and slash greenhouse gas emissions. The U.S. has a quarter-million square miles in the Southwest on which tracts of photovoltaic panels and parabolic-trough solar concentrators could be built, and the electricity generated would be transmitted along high-voltage direct current lines, far more efficiently than the alternating-current lines in use today. Compressed-air or molten-salt systems would be employed for overnight energy storage. It would cost the federal government USD 400 billion over the next four decades to build it, but the payoff would be far greater. The major hurdle is not technology or money, but awareness by elected officials and the public that solar power is a practical alternative.

INTERNATIONAL POLITICAL RELATIONS & SECURITY

18. AMERICA'S STRATEGIC OPPORTUNITY WITH INDIA

By R. Nicholas Burns. *Foreign Affairs*, v. 86, no. 6, November/December 2007, p. 131.
<http://www.foreignaffairs.org/20071101faessay86609/r-nicholas-burns/america-s-strategic-opportunity-with-india.html>

According to Burns, U.S. under secretary of state for political affairs, the governments of the United States and India have only begun to catch up with the lead of the two countries' businesses in forming lasting alliances. Describing some diplomatic successes of the past few years, Burns lists several challenges remaining: strengthening military, intelligence, and law-enforcement cooperation to combat terrorism, drug trafficking, and nuclear proliferation; promoting India's agricultural production while narrowing differences over global trade; cooperating on innovations aimed at increasing energy efficiency and reducing harm to the environment; and promoting freedom and democracy worldwide. "The United States must adjust to a friendship with India that will feature a wider margin of disagreement than we are accustomed to – but a friendship in which the extra effort will be made up for by rich long-term rewards," Burns says.

19. A NEW REALISM: CRAFTING A US FOREIGN POLICY FOR A NEW CENTURY

By Bill Richardson. *Harvard International Review*, v. 29, no. 2, Summer 2007, pp. 26-30.

American foreign policy makers face many new challenges in the 21st century. Problems that were once local have now gone global.

The author believes that that the U.S. must create a foreign policy that is uniquely adapted to the world of global challenges. America remains vulnerable to terrorism as it fights new security challenges with old-fashioned, military methods. Richardson, governor of New Mexico and former U.S. Representative to the United Nations, identifies six trends that are transforming the world, including fanatical jihadism, illegal weapons trade, rise of Asian and Russian powers, and the growth of globalization in economic, health, environmental and social terms.

20. A WORLD WITHOUT ISLAM

By Graham E Fuller. *Foreign Policy*, no. 164, January/February 2008, pp. 46-53.

To many, Islam seems to lie behind a broad range of international disorders. But a world without Islam would leave the world exactly where it is today, says Fuller, former vice chairman of the National Intelligence Council at the CIA and currently adjunct professor of history at Simon Fraser University in Vancouver. Terrorism, for example, in the name of Islam or any other religion is hardly unique. Religion is the best banner for oppressed peoples seeking to glorify their cause and has been used frequently across the centuries. Rather than being the source of confrontation, religion is the vehicle used by radical groups to articulate grievances. Even without Islam, the face of the Middle East is complex and conflicted, Fuller says. Struggles over power, territory, influence and trade existed long before Islam arrived. "At rock bottom," he writes, "conflict between East and West remains all about the grand historical and geopolitical issues of human history: ethnicity, nationalism, ambition, greed, resources, local leaders, turf, financial gain, power, interventions and hatred of outsiders, invaders, and imperialists. Faced with timeless issues like these, how could the power of religion not be invoked?"

DEMOCRACY & HUMAN RIGHTS

21. JUDGING THE 2008 HEALTH PLANS

By Marilyn Werber Serafini and James A Barnes. *National Journal*, v. 39, no. 43, October 27, 2007, pp. 20-23.

While examining the top presidential candidates' plans for reforming the American health care system, the authors interview ten non-partisan health care specialists to assess the candidates' proposals. The experts assess each plan's potential impact on the uninsured, the

economy, the quality of health care, the cost to consumers and the cost to employers. They also rank the feasibility of each candidate's plan. Overall, the experts found that the Clinton and Edwards plans were closest to achieving universal health coverage, while the Republicans' plans were more likely to curb federal spending on health care.

22. LONG TIME COMING: THE PROSPECTS FOR DEMOCRACY IN CHINA

By John L. Thornton. *Foreign Affairs*, v. 87, no. 1, January/February 2008, p. 2.

<http://www.foreignaffairs.org/20080101faessay87101/john-l-thornton/long-time-coming.html>

The Chinese view of democracy differs from the Western view, but many Chinese want more democracy and believe it is coming. Elections have been held in rural Chinese villages already for 20 years. Elections of pre-selected candidates have been held in a few townships and counties, the next administrative levels up. Perhaps more importantly, the Chinese Communist Party is putting forward multiple candidates for certain party positions. Some observers imagine party factions could emerge in such a scheme that would make the party resemble Japan's long-ruling Liberal Democratic party, where policy differences are part of the legitimate process. The Chinese are also taking steps to make their judicial system and administrative system less corrupt, more open to challenge, and rooted in rule of law. According to Thornton, "Optimists believe that gradualism will make the current liberalization last longer than the euphoric, but ultimately failed, experiences of the past."

23. PHANTOM MENACE

By John B. Judis. *The New Republic*, February 13, 2008, pp. 20-25.

In this article, the author tries to explore the psychology behind America's immigration hysteria. There have been periodic bursts of anti-immigration fervor in the U.S. since the mid-nineteenth century, mostly directed at immigrants from Eastern Europe or religious groups such as Catholics and Jews. Anti-immigration sentiment against Muslims grew after the Sept. 11 terrorist attacks. However, much of the current anti-immigration sentiment today is propelled by native-born Americans who feel threatened by the new global capitalism, as businesses that once flourished in small American towns have cut back or closed entirely and jobs have gone overseas. Anti-immigration fear is expected to play a large role in the 2008 presidential elections.

COMMUNICATION & INFORMATION

24. THE VIDEO EXPLOSION

By Charles Layton. American Journalism Review, v. 29, no. 6, December 2007/January 2008, pp. 24-31.

The stampede is on among newspapers to put video on their Web sites; many see it at the key to their survival. Video consumers are younger than the general population, have higher incomes and more education – exactly the demographic newspapers as well as advertisers covet, writes Layton. But not all stories lend themselves well to video treatment, however, and the quality of current video varies dramatically. Training personnel is all-important. And while an Internet audience might tolerate less than stellar visuals, they demand top-quality audio – a new criteria for still photographers and writers who normally don't focus on background noise. Video is labor-intensive, even for experienced still photographers. A two-to three-minute video currently requires a minimum of two to four hours of production time. The right equipment is crucial for photographers expected to bring back both still and video. High-definition camcorders make it possible to extract or "grab" individual frames from the video. But for writers working on short deadlines, producing a printable story as well as a video is nearly impossible. Some writers, however, are making a clean break from print, finding that many stories can be better told visually. Twenty-five-year-old Evelio Contreras, now a video producer at the Roanoke Times of Virginia, a daily newspaper with a 97,000 circulation, made the switch. "I saw it as a way to develop my storytelling skills," he says.

25. WEB BEATS PRINT: NO LONGER ON THE FRINGE, POLITICAL BLOGGERS NOW DRIVE COVERAGE

By Joe Strupp. Editor & Publisher, v. 140, no. 12, December 2007, pp. 22-27.

Mainstream news outlets have embraced the Web log, making political blogs key features of campaign coverage. The author interviews political bloggers from the Los Angeles Times, Reno Gazette-Journal, The Boston Globe, Chicago Tribune and The Washington Post. They say blogs provide more information sooner, but it's demanding work and the results are unpredictable. "It is an online newsreel," says Michael Tackett of the Chicago Tribune's "The Swamp," adding that anything goes: serious reporting comes alongside gossip, trivia and campaign ad videos. Blogs allow greater freedom and can give a local flavor. "It is like a conversation, and it

does not take as much context as a story because it is for people who know the context," says the Reno Gazette Journal's Anjeanette Damon. But writing at a fever pitch opens the doors to more editorial slips and errors. Cross-referencing competitors is new. It is part of Internet culture to feature a "blogroll," links to other similar blogs. Blogs also invite readers to post comments. The author maintains that, thanks to blogs, candidates now receive unprecedented exposure.

GLOBAL ISSUES

26. BURNING AT THE STAKE: HOW GLOBAL WARMING WILL INCREASE RELIGIOUS STRIFE

By Philip Jenkins. The New Republic, December 10, 2007, pp. 14-15.

"By mid-century, water shortages could force countries already suffering from generations of ethnic and religious conflict to explode," warns Jenkins, author of *God's Continent: Christianity, Islam and Europe's Religious Crisis*. This prediction of religious strife induced by climate change has precedent, Jenkins says. The "Little Ice Age" of the 14th century and the famines that resulted exacerbated bigotry and increased the violence against religious minorities in Europe, Jews especially. In today's world, he writes, "The resource-driven genocide in Darfur, for example, although it involves competing Muslim communities and not Muslim-Christian warfare, is a foretaste of conflicts that could soon be sweeping the whole area, as nations implode in sectarian violence, pulling neighboring countries down with them." According to Jenkins, the greater globalization of Christianity, while heightening some religious tensions in resource-poor countries, could also help prevent some of the worst abuses. He notes that the National Association of Evangelicals, an umbrella organization whose affiliate groups claim 30 million members, has recognized global climate change as a clear and present danger. "Combining the themes of world stewardship and protecting Christian minorities could lead to a whole new synthesis of religious and political action," Jenkins says.

27. DEEP TROUBLE

By Richard L. Haedrich. Natural History, v. 116, no. 8, October 2007, pp. 28-33.

As fish populations in continental shelf waters were depleted from overfishing, fishermen shifted to catching species that live deeper in

the oceans. Haedrich, a Canadian biological oceanographer and ichthyologist, has studied North Atlantic Ocean fish populations throughout his career. He asserts that overfishing of species taken from the continental slopes (600-6,000 feet deep) is inevitable, given its current pace, and that it could take several decades or more for recovery of fish populations. These species exhibit a slower growth rate and older age at maturity due to colder water temperatures and low food supplies, so fish of marketable size may be the only reproductive members of the population. The bottom-trawling gear used to harvest the fish often destroys their habitat. The lack of reliable data about how quickly a species can replace itself hinders the management of species. Some countries have limited deep-sea trawling within their own 200-mile-wide exclusive economic zones, but a ban on trawling in international waters was narrowly defeated in the United Nations in 2006. The author concludes, "Evolution sets the pace of life in accord with physical conditions, and in the deep sea that pace is slow. The pace of our fishing there would do well to match it."

U.S. SOCIETY, VALUES & POLITICS

28. REMEMBERING JACK KEROUAC

By Joyce Johnson. Smithsonian, v. 38, no. 6, September 2007, pp. 115-121.

The author, a writer and friend of Jack Kerouac, writes that the publication of *On the Road* in 1957 "uncorked all that bottled-up restlessness" of what has been called the Silent Generation, the children of parents who had lived through the upheavals of the first half of the twentieth century. They "anxiously pursued a narrow definition of the American Dream, terrified of losing their hard-won middle-class status", and taught their children to keep their heads down. In this staid era, Kerouac's *On the Road* defined a craving for new experiences, a desire to pack as much intensity as possible into each moment. Fifty years after it was published, Johnson writes, Kerouac's voice still calls out: "look around you, stay open, question the roles society has thrust upon you, don't give up the search for connection and meaning."

29. WHAT IS PUBLIC DIPLOMACY? PAST PRACTICES, PRESENT CONDUCT, POSSIBLE FUTURE

By Walter R. Roberts. Mediterranean Quarterly, v. 18, no. 4, Fall 2007, pp. 36-52.

The author, cofounder of the Public Diplomacy Institute at George Washington University and a former member of the U.S. Advisory Commission on Public Diplomacy, writes that there is no agreement on what constitutes public diplomacy. A century ago, the populations of most countries were all-but-unreachable; no government had any reason to explain their policies to foreign publics. That changed with the invention of radio, which the Bolshevik and Nazi regimes used to great effect. It was the Nazi wartime propaganda activities in Latin America that prompted the U.S. to initiate cultural and academic exchanges. Roberts describes the post-World War II evolution of U.S. public diplomacy programs, which President Truman recognized were necessary during the newly-developing Cold War, and the often-thorny disagreements between "cultural" and "information" programs that led to the creation of the U.S. Information Agency. Roberts notes that in a modern, information-rich world, particularly with the development of the Internet, foreign publics are becoming more informed and sophisticated. Their attitudes are having an ever-greater impact on the actions of their governments, even in autocratic countries, and it is essential now that governments be able to reach the publics of other countries.

SCIENCE & TECHNOLOGY

30. GONE

By Julia Whitty. Mother Jones, v. 32, no. 3, May/June 2007, pp. 36-45, 88-90.

<http://www.motherjones.com/news/feature/2007/05/gone.html>

Biologists believe that up to half of all species on Earth may be extinct by the end of this century due to global warming and fragmentation and loss of habitat. According to the most conservative estimates, species extinctions are occurring at 100 times the natural rate, but eminent Harvard biologist Edward Wilson and other scientists estimate that the true rate is probably 1000 to 10,000 times the natural rate. From what is known, five extinction events have occurred on Earth in the past 450 million years; we are currently living through the sixth extinction period. This sixth period began during the Stone Age when man migrated out of Africa and began permanently altering the landscape with agriculture

and animal husbandry. The author notes that many of the stories about newly-discovered species are the result of researchers frantically trying to identify as many life-forms as possible before they disappear. Many scientists believe that mass extinction poses an even greater threat to human existence than global warming.

31. SOWING A GENE REVOLUTION

By Terri Raney and Prabhu Pingali. Scientific American, v. 297, no. 3, September 2007, pp. 104-111.

Raney and Pingali, economists with the U.N. Food and Agriculture Organization, review the impact during the past decade of genetically modified crops. In the 22 countries where transgenic crops are grown, harvests have increased, raising the income of many farmers and reducing their use of pesticides. Multinational corporations have developed transgenic soybeans and maize suitable for temperate-zone farms, but little public or private research is being done on developing transgenic varieties of the crops – wheat, rice, sorghum, pearl millet, pigeon pea, chickpea and groundnut – which provide the majority of the food supply in developing countries. Most such countries lack both the research capacity to develop the varieties and the support structure for farmers to realize the benefits of growing them. The authors note that "only if formidable institutional challenges are met can transgenic crops achieve their full potential to improve the livelihoods of farmers in the developing world."

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